



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
LaFleur et. al

Docket No.: PZ022P1C2

Application No.: 09/938,671

Filed: August 27, 2001

Art Unit: 1634

For: HMADS41 Polynucleotide (as amended)

Examiner: E. Whisenant

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references A-H listed on the attached Form PTO/SB/08A. Copies of references A-H are enclosed.

Applicants wish to bring to the attention of the Examiner that SEQ ID NO:38 and the corresponding HMADS41 cDNA contained within ATCC deposit number 209583 of this application are related to SEQ ID NOS:28732 and 122046 in copending U.S. Patent Application Serial No. 09/912,293. A legible copy of that portion of U.S. Patent Application Serial No. 09/912,293 which caused it to be listed on the attached revised form PTO/SB/08 is submitted as reference A.

In addition, Applicants wish to bring to the attention of the Examiner that SEQ ID NO:38 and the corresponding HMADS41 cDNA contained within ATCC deposit number 209583 of this application are related to SEQ ID NO:22386 in copending U.S. Patent Application Serial No. 09/912,292. A legible copy of that portion of U.S. Patent Application

Serial No. 09/912,292 which caused it to be listed on the attached revised form PTO/SB/08 is submitted as reference B.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR §§ 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425.

Dated: October 22, 2003

Respectfully submitted,

By

Janet M. Martineau

Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue

Rockville, Maryland 20850

(301) 315-2723



PTO/SB/08a/b (06-03)

Approved for use through 07/31/2003. OMB 0651-0031  
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Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	09/938,671
Filing Date	August 27, 2001
First Named Inventor	David LaFleur
Art Unit	1634
Examiner Name	E. Whisenant
Attorney Docket Number	PZ022P1C2

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A	US-09/912,293	NOT PUBLISHED	ROSEN et al.	pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NOS: 28732 and 122046
	B	US-09/912,292	NOT PUBLISHED	ROSEN et al.	pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NO: 22386

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	C	WO-98/45437	10-15-1998	GENETICS INSTITUTE, INC.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D	RANTA, S. et al., "Genetic and Physical Mapping of the Progressive Epilepsy with Mental Retardation (EPMR) Locus on Chromosome 8p," Genome Res., (1996), 6(5):351-60.	
	E	RANTA et al., "The neuronal ceroid lipofuscinoses in human EPMR and mnd mutant mice are associated with mutations in CLN8," Nat Genet., (1999), (2):233-236.	
	F	RANTA et al., "Studies of homogenous populations: CLN5 and CLN8," Adv Genet., (2001), 45:123-140.	
	G	WINTER and PONTING, "TRAM, LAG1 and CLN8: members of a novel family of lipid-sensing domains?," Trends Biochem Sci., (2002), (8):381-383.	
	H	LONKA et al., "The neuronal ceroid lipofuscinoses CLN8 membrane protein is a resident of the endoplasmic reticulum," Hum Mol Genet., (2000), 9(11):1691-1697.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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